

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
October 27, 2015  
7:00 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

**Alderman Winings moved to approve the October 13, 2015 minutes. Alderman Garnholz seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

Dixon Biel, resident, addressed the Board inquiring about the 212 S. Meramec Avenue construction project.

Mayor Sanger stated that the construction project has not been abandoned.

Chief Mark Thorp explained that the project had stopped due to water and soil issues and was tested for heating and fuel oil, sludge and/or toxic materials. Those tests came back with no problems and the project continues to move forward within the permitted rights.

Mr. Biel commented that he is an avid biker and would like to challenge the City to make a model piece by creating major bike paths and safety information.

### RECOGNITIONS & AWARDS

City Manager Owens announced that the City has been awarded the Certificate of Achievement in Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). The City has received this recognition for over 20 consecutive years. Congratulations to Janet Watson and her team for their outstanding work.

### A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR NAMI RAMEN, LLC LOCATED AT 46 N. CENTRAL AVENUE

City Manager Owens reported that Nami Ramen, LLC is requesting a liquor license to sell 5% beer and not to exceed 14% wine at retail by the drink, including Sundays, at 46 N. Central Ave., Clayton, MO 63105.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell 5% beer and not to exceed 14% wine at retail by the drink, including Sundays.

In response to Alderman Boulton's question, Mayor Sanger clarified that the restaurant location is in the former House of Wong location.

In response to the Board's questions, Jason Jan, owner/operator, addressed the Board stating that this restaurant will be a unique and first concept in the St. Louis area. They will feature made-from-scratch ramen noodles and dishes and the restaurant will have a vibrant feel and décor. They are planning on opening before the end of the year.

**Alderman Garnholz moved to approve a liquor license for Nami Ramen located at 46 N. Central Avenue. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**A MOTION TO CONSIDER APPROVING A LIQUOR LICENSE FOR CONCEPTS IN FOOD, LLC DBA PARIGI AT 8025 BONHOMME AVENUE**

City Manager Owens reported that Concepts in Food, LLC dba Parigi is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 8025 Bonhomme Avenue.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays.

In response to Alderman Boulton's question, Mayor Sanger clarified that the restaurant will be in the Clayton on the Park building.

In response to the Board's questions, Ben Parembo, owner/operator, addressed the Board stating that they plan on opening by mid-January.

**Alderman Garnholz moved to approve a liquor license for Concepts in Food, LLC d/b/a Parigi located at 8025 Bonhomme Avenue. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A PUBLIC INTEREST SIGN LOCATED AT 8020 FORSYTH BOULEVARD (BARRY-WEHMILLER)**

**Mayor Sanger opened the public hearing and requested proof of publication.**

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for the proposed replacement of an existing public interest sign at the subject location.

The property is at the southeast corner of Forsyth Boulevard and Brentwood Boulevard, and has a zoning designation of High Density Commercial (HDC). An existing 10.6-square-foot, double-sided, time and temperature sign is located on the Brentwood Boulevard building façade that is integrated with a 5.4-square foot, double sided, perpendicular wall sign for Barry-Wehmiller. The signage projects +/- 4 feet beyond the face of the building. The applicant proposes to remove and replace the existing time and temperature sign with a new 6-square-foot, double-sided time and temperature sign.

Section 425.150 of the City's Sign Regulations require a Conditional Use Permit for the installation of a public interest sign, which is defined as a sign containing information of interest to the general public such as weather and time information. Neither the City nor the applicant has a record of an approved CUP for the existing public interest sign. Because this is a modification of an existing sign, a new CUP is required. The proposed sign is smaller than the existing sign and will display the same information.

The Plan Commission considered this request at their October 5, 2015 meeting and voted to recommend approval of the Conditional Use Permit to the Board of Aldermen. The Architectural Review Board considered the design and materials associated with the proposed signage at their meeting of October 5, 2015 and voted to approve. The staff recommends conducting a public hearing and approving the resolution.

Ben Behrens, Warren Sign Company, addressed the Board stating that this is a unique sign made of copper and will replace the larger signage.

Patty DeForrest commented that the swimmers at the Shaw Park Pool watch the sign to time their swimming.

**Mayor Sanger closed the public hearing.**

**Alderman Garnholz moved to approve Resolution No. 15-17, a Conditional Use Permit for a public interest sign located at 8020 Forsyth Boulevard (Barry-Wehmiller). Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

In response to Mayor Sanger's question, Mr. Behrens stated that the sign will be replaced within six weeks.

**PUBLIC HEARING AND AN ORDINANCE TO CONSIDER AN AMENDMENT TO CHAPTER 405: ZONING REGULATIONS TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK AS AN ACCESSORY USE**

**Mayor Sanger opened the public hearing and requested proof of publication.**

City Manager Owens reported that this is a public hearing to solicit input regarding a proposed amendment to Chapter 405 (Zoning Regulations), Section 405.390 (Definitions), and the adoption of Section 405.340, to permit the sale of alcoholic beverages by the drink for consumption on the premises as an accessory use to the operation of grocery and package liquor stores.

Package liquor stores, which require liquor license(s), are permitted conditional uses in all commercial zoning districts. The current definition of package liquor store states that the store may offer complimentary tastings but otherwise alcohol consumption on the premises is prohibited. The modification of the definition will remove the prohibition for consumption on premises.

Recently, staff has been made aware that some existing package liquor and grocery stores have been selling alcohol by the drink for consumption on their premises, which violates the current code definition of package liquor store; but complies with the liquor licensing code. The Land Use Code does not address alcohol sales by the drink and consumption on premises with respect to grocery stores. After careful consideration, staff

proposes text amendments to revise the definition of package liquor store and to add a new Section (405.340) to allow alcohol service as an accessory use to package liquor stores and grocery stores.

The proposed text amendments will allow the sale of intoxicating liquor by the drink for consumption on the premises of package liquor and grocery stores, a practice that is presently occurring in several establishments. Staff does not anticipate negative impacts associated with the proposed text amendments, given the limited conditions under which alcohol sales as an accessory use may be approved and the compliance requirements pursuant to Chapter 600: Alcoholic Beverages. Because package liquor and grocery stores require a Conditional Use Permit, staff, the Plan Commission, and the Board of Aldermen will be also given the opportunity to review the specific facts associated with each individual application in order to determine the appropriate conditions to place on the use to mitigate potential negative impacts.

The Plan Commission considered this request at their October 5, 2015 meeting and voted to recommend approval of the text changes to the Board of Aldermen. Recommendation is to approve the ordinance.

Brandon Nicholson and Ryan N, owner/operators for Craft Beer Cellar, and Jason Mane, owner/operator for the Wine Merchant addressed the Board. Mr. Nicholson explained that their customers are frequently requesting to drink beer while shopping. They currently provide a .5 ounce sample size beer by the drink and would like to sell an 11 ounce drink and provide guided “flights” for a fee with estimated groups of 10-12 people.

Jason Mane stated that the Wine Merchant currently provides complimentary samplings, but they would also like to offer tastings and samples by the ounce. If the ordinance is approved they would like to offer tastings by the glass for a fee which they can also include some of their more expensive wines in order to provide an opportunity to create a different more exclusive market.

In response to Mayor Sanger’s question, Mr. Mane stated that for their tastings they have approximately 130-210 people on Saturdays and 300-400 people around the holidays.

With regard to age demographics, Mr. Mane stated that the customer ages vary, 21 years of age and up.

With regard to other retailers on the trend, Mr. Mane stated that there are surrounding retailers that are currently providing drinks by the glass, i.e. *Lucky’s Market* in Rock Hill, *Dierberg’s*, *Total Wine*, *Lucas Liquors*, and *Field’s Foods*.

With regard to competition with “brick and mortar” restaurants that are required to have 50% food sales, Mr. Mane stated that the feels it would boost sales at the area restaurants.

In response to Alderman Lintz’s question, both Mr. Nicholson and Mr. Mane stated that they have no plans to make changes to their buildings’ floor plans to accommodate the tastings. Mr. Mane added that they will be providing wine classes four days a week that includes complimentary pours.

In response to Alderman Berger’s question with regard to these businesses conducting tastings outdoors, City Manager Owens stated that businesses would still be required to apply (and qualify) for an outdoor permit.

In response to Mayor Sanger’s and Alderman Berkowitz’s question, City Manager Owens clarified that the ordinance regulates businesses that sell (75%) of packaged liquor. Restaurants are required to have 50% food sales.

**Mayor Sanger closed the public hearing.**

**Alderman Garnholz introduced Bill No. 6527, an ordinance revising Title IV (Land Use), Chapter 405 (Zoning Regulations) of the Municipal Code of the City of Clayton, Missouri, Section 405.390**

**(Definitions) “Package Liquor Store” and adding a new Section 405.340 (Alcohol Service As An Accessory Use) to Title IV, Chapter 405, Article II (General Regulations) and other actions related thereto to be read for the first time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6527, an ordinance revising Title IV (Land Use), Chapter 405 (Zoning Regulations) of the Municipal Code of the City of Clayton, Missouri, Section 405.390 (Definitions) “Package Liquor Store” and adding a new Section 405.340 (Alcohol Service As An Accessory Use) to Title IV, Chapter 405, Article II (General Regulations) and other actions related thereto for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6527 on the day of its introduction. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Garnholz introduced Bill No. 6527, an ordinance revising Title IV (Land Use), Chapter 405 (Zoning Regulations) of the Municipal Code of the City of Clayton, Missouri, Section 405.390 (Definitions) “Package Liquor Store” and adding a new Section 405.340 (Alcohol Service As An Accessory Use) to Title IV, Chapter 405, Article II (General Regulations) and other actions related thereto to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6527, an ordinance revising Title IV (Land Use), Chapter 405 (Zoning Regulations) of the Municipal Code of the City of Clayton, Missouri, Section 405.390 (Definitions) “Package Liquor Store” and adding a new Section 405.340 (Alcohol Service As An Accessory Use) to Title IV, Chapter 405, Article II (General Regulations) and other actions related thereto for the second time by title only.**

**Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6398 of the City of Clayton.**

Mayor Sanger noted that two members of the Mayor’s Youth Advisory Council were in the audience.

**AN ORDINANCE TO CONSIDER A MODIFICATION TO THE MUNICIPAL TRAFFIC CODE TO ALLOW INCREASED PARKING ON WESTWOOD DRIVE**

City Manager Owens reported that during recent discussions regarding restricting parking in a portion of the Moorlands, it was suggested that a portion of the No Parking on the east side of Westwood Drive, south of Wydown, could be relaxed to allow some parking just north of Byron Avenue.

After review, the Public Works Department concurs that a portion of the No Parking on the east side of Westwood Drive just north of Byron Avenue could be relaxed to allow some additional parking.

The Public Works Department is recommending the Board of Aldermen adopt revised parking restrictions on the east side of Westwood Drive to allow additional parking in the half block north of Byron.

Should the Board of Alderman desire to proceed with the proposed revised restrictions, an ordinance has been prepared to do so.

Passage of this ordinance would be necessary to codify the proposed revised on-street parking restrictions on the east side of Westwood Drive.

Recommendation is to approve the ordinance codifying the revised on-street parking restrictions on the east side of Westwood Drive.

City Manager Owens explained that there was an area on Westwood Drive identified by Alderman Berkowitz where there had been no parking near the pizza business location (near Wydown). Staff evaluated the area and determined that there was room to add spaces.

**Alderman Garnholz introduced Bill No. 6528, an Ordinance Amending the Traffic Code of the City of Clayton, Missouri, to allow more parking on Westwood Drive to be read for the first time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6528, An Ordinance Amending the Traffic Code of the City of Clayton, Missouri, to allow more parking on Westwood Drive for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6528 on the day of its introduction. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Garnholz introduced Bill No. 6528, an Ordinance Amending the Traffic Code of the City of Clayton, Missouri, to allow more parking on Westwood Drive to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6528, An Ordinance Amending the Traffic Code of the City of Clayton, Missouri, to allow more parking on Westwood Drive for the second time by title only.**

**Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6399 of the City of Clayton.**

#### **A RESOLUTION TO CONSIDER APPROVING A CONTRACT WITH RUBINBROWN LLP FOR AUDIT SERVICES FOR THE CITY AND THE CRSWC**

City Manager Owens reported that the City recently issued a request for proposals for audit services for the annual audit of the City and CRSWC for fiscal years 2015 through 2019. We believe awarding this contract for the two entities together is more efficient and saves cost. The last contract was for five (5) years with Hochschild, Bloom & Co. LLP, and the City believes it is a best practice to change audit firms on a periodic basis. A list of the most recent firms used is presented at the end of this document.

The City received responses from six firms with all firms meeting the basic criteria established in the RFP. A committee was formed to review the proposals comprised of Alderman Richard Lintz, Toni Siering (CRSWC), Betty Luebke and Janet Watson. After an initial review by staff, two firms were eliminated due to insufficient staffing or insufficient governmental experience. The committee then reviewed the four (4) remaining proposals to determine which firms to interview based on the proposals that best met the selection criteria outlined in the RFP. Those criteria were:

- Qualifications and experience of the firm;
- Qualifications of the key individuals to be assigned to the City’s engagement;
- Understanding of the scope of services and the ability to complete the audit in a timely manner;
- References; and,

- Cost.

The committee selected two firms to interview which were Kerber, Eck & Braeckel LLP, and RubinBrown LLP. Both firms interviewed well, responded to questions and provided excellent information about their firm's philosophy, related experience of the firm and assigned staff, and audit methods. Both firms were similar in cost and within budgeted amounts.

After consideration the Committee is recommending RubinBrown LLP for the five-year audit engagement. RubinBrown has a sizeable local government client base with many of their clients also receiving the GFOA Certificate of Achievement for Excellence in Financial Reporting. RubinBrown's staff receives extensive training in governmental and non-profit auditing. They also agreed to meet the audit schedule provided by the City and the CRSWC. Finally, RubinBrown is located in Clayton and is very active in the community.

Recommendation is to approve a resolution to appoint RubinBrown LLP to serve as the auditing firm for the City of Clayton and the CRSWC for Fiscal Years 2015 through 2019.

In response to Mayor Sanger's question, City Manager Owens explained that staff did not go with the lowest bidder because they felt that the firm was not as experienced with municipal auditing.

**Alderman Garnholz moved to approve Resolution No. 15-18, Authorizing the City Manager to Execute an Agreement with Rubinbrown LLP for Audit Services for the City and CRSWC. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

#### Other

Alderman Boulton expressed that she was glad to be back from her recent trip.

Alderman Berger announced that it was his grandson's first birthday.

Alderman Lintz reported on the following:

- The Clayton Century Foundation is currently expanding their board by adding members.
- The Sustainability committee met recently where they had a very lively meeting, members expressed a lot of renewed interests (invite speakers, ideas from other communities).
- Related to the auditor review/selection committee the managing partner of RubinBrown commented that his first assignment as an auditor (many years ago) was with the City of Clayton.

Alderman Berkowitz reported that the CCF Major Gifts Committee met recently and discussed raising funds for the Taylor Park and DeMun Playground projects.

Mayor Sanger reported that the Board recently met with the Clayton clergy group as an introductory meeting to get to know everyone.

Mayor Sanger announced that they will be welcoming a new grandson soon.

Mayor Sanger surveyed the Board with regard to a quorum for the November 24 meeting. The Board was in agreement to cancel the November 24, 2015 meeting.

There being no further business the meeting was adjourned at 7:45 p.m.

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Mayor

ATTEST:

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City Clerk